

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 23771 of 2009

and

M.P. 1 of 2009

S.Govindasamy

... Petitioner

Vs

1. The Executive Engineer (Distribution),
Tamil Nadu Electricity Board,
Tiruppur.

2. The Assistant Engineer,
Tiruppur Distribution Circle,
Tamil Nadu Electricity Board,
Bazaar,
Tiruppur-641 606.

3. The Assistant Executive Engineer
(Maintenance and Distribution),
Tamil Nadu Electricity Board,
Town/South/Tiruppur,
Tiruppur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the impugned notice in Letter No.E.MI.PO/BAZAR/KO.LT.CT./A.No.74/09 dated 04.11.2009 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.K.S.Jeyaganeshan

For Respondents : Mr.S.K.Rameshuwar,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned notice issued by the 2nd respondent and quash the same.

2. The case of the petitioner is that the petitioner is doing garment business and obtained LTCT service connection bearing No.208:007:1328 for the purpose of garment manufacturing. While being so, the Board officials inspected the petitioner service connection on 08.10.2009 under intimation to the petitioner. During inspection, the petitioner's son was present and the defect was found and accordingly, mahazar was preferred on the same day on 08.10.2009 and after adjudication, the impugned assessment order was passed. Against which the present Writ Petition has been filed by the petitioner.

3. Mr.K.S.Jeyaganeshan, learned counsel appearing for the petitioner would submit that at the time of entertaining the Writ Petition, this Court has granted interim order on condition that the petitioner has to pay 50% of the demanded amount as per

the impugned order and accordingly, the petitioner has paid the 50% of the demanded amount. However, as per Sec.11(7) of the Electricity Act, 2003 (hereinafter called as 'Act'), there is an alternative remedy is available to the petitioner to file an appeal before the Superintending Engineer of the respective jurisdiction. In compliance with Sec.11(7) of the Act, the liberty may be granted to the petitioner.

4. The learned Standing Counsel appearing for the respondents did not dispute the fact and conceded the request made by the learned counsel appearing for the petitioner.

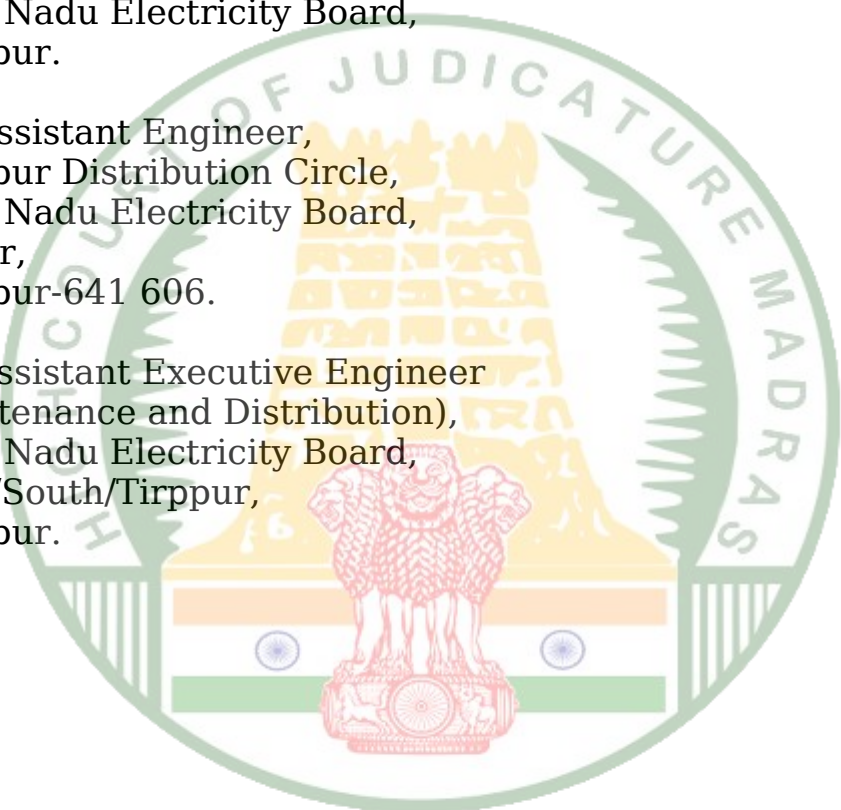
5. In view of the above, without expressing any opinion, as there is an alternative remedy available under Sec.11(7) of the Act, I am inclined to grant liberty to the petitioner to file an appeal under Sec.11(7) of the Act within a period of two weeks from the date of receipt of the copy of this order. On filing such appeal, the respondents are directed to consider the petitioner's appeal and to pass appropriate orders within a period of eight weeks. No costs. Consequently, the connected Miscellaneous Petition is closed.

02.08.2019

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To

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Tamil Nadu Electricity Board,
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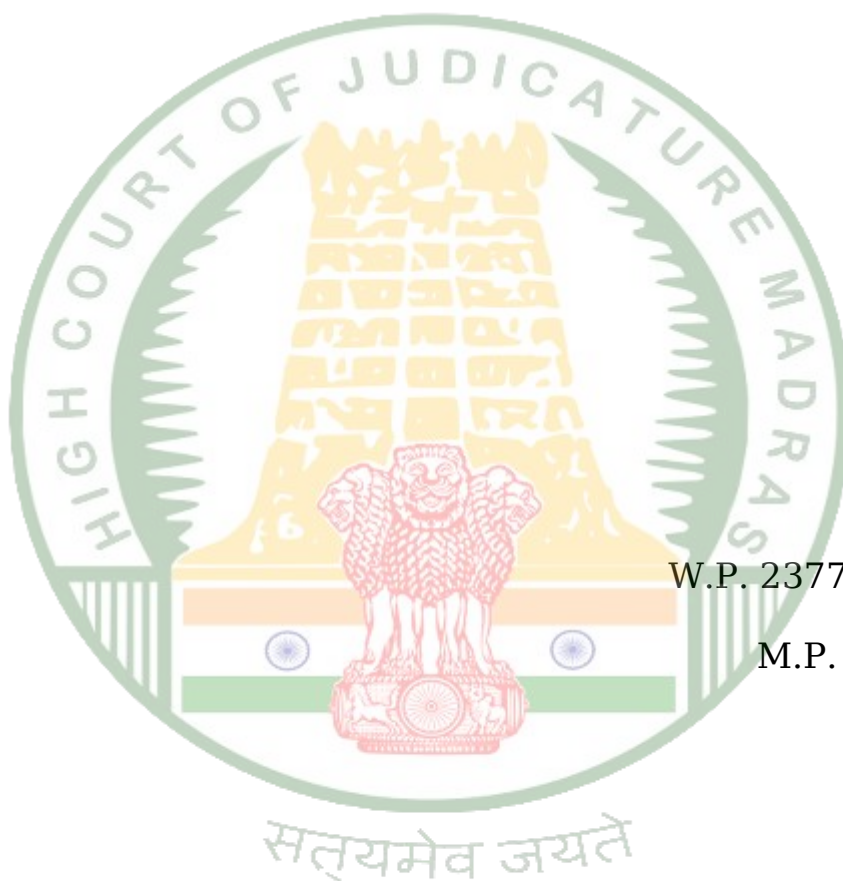


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M.DHANDAPANI,J.

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